

**California Regional Water Quality Control Board
Lahontan Region**

**HEARING PROCEDURES
CONSIDERATION OF A CLEANUP AND ABATEMENT ORDER
FOR**

**COUNTY SANITATION DISTRICT NO. 20 OF LOS ANGELES COUNTY (LACSD)
AND CITY OF LOS ANGELES (CITY), PALMDALE RECLAMATION PLANT**

HEARING SCHEDULED FOR SEPTEMBER 12 – 13, 2012

IMPORTANT

Please read these hearing procedures carefully. Failure to comply with the deadlines and other requirements contained herein may result in the exclusion of your documents and/or testimony. This hearing will be an adjudicative proceeding to receive evidence for determination of facts pursuant to which the Lahontan Regional Water Quality Control Board (Lahontan Water Board or Board) will formulate and issue a decision concerning the Cleanup and Abatement Order proposed by the Lahontan Water Board Enforcement Unit staff (also referred to as the "Prosecution Team"). Adjudicative proceedings are not conducted according to the technical rules of evidence, and the Lahontan Water Board will accept testimony and comments that are reasonably relevant to the issues before the Board. Testimony or comments that are not reasonably relevant, or that are repetitious, will be excluded. Anyone who submits written testimony for the hearing must appear at the hearing and affirm that the written testimony is true and correct, and be available for questions of the Board.

A. The Lahontan Water Board Executive Officer must receive the following no later than 5:00 p.m. on Wednesday, July 25, 2012:

- 1. Comments from the LACSD and City (also referred to as "the Dischargers") and other interested persons on the Proposed Cleanup and Abatement Order dated July 9, 2012. (Comments submitted previously to the Water Board on the March 22, 2012 version of the Proposed Cleanup and Abatement Order and the Board staff's response will be included in the record for this matter and shared with the Water Board members and therefore, do not need to be re-submitted). Comments must not exceed 10 pages including attachments.**
- 2. Objections to this hearing procedure. Objections must not exceed five pages including attachments.**

B. The Water Board Executive Officer must receive the following submittals no later than 5:00 p.m. on Friday, August 17, 2012:

- 1. Written requests from for additional time for presentation at the hearing. As described below, the Prosecution Team, LACSD, and the City are being given 30 minutes each for their presentations. Other interested persons are being given 5 minutes each.**
- 2. Written responses from the Water Board's Enforcement Unit staff to any comments received by July 25, 2012 and to any comments received after that date, if they were accepted by the Advisory Team, and any revisions proposed by the Enforcement Unit staff to the Cleanup and Abatement Order.**

C. All submittals must be on 8 ½ x 11" size (including attachments and figures), must be in a legible font no smaller than 11-point size, and should be submitted electronically in a searchable pdf format that does not exceed 10 megabytes in size. In addition, 11 hard copies of each submittal must be sent to the Executive Officer by the due date specified above. Each hard copy must be three hole punched and all pages must be sized 8 ½ x 11". Each e-mail submittal must have the e-mail subject line, "LACSD NO. 20 Consideration of CAO."

Background

On March 22, 2012, the Water Board Enforcement Unit staff circulated a proposed Cleanup and Abatement Order (CAO) for the County Sanitation District No. 20 of Los Angeles County and City of Los Angeles, Palmdale Reclamation Plant, Palmdale. On July 9, 2012, the Water Board Prosecution Team circulated a revised proposed Cleanup and Abatement Order in response to public comments and comments received by the Water Board's Advisory Team. The proposed CAO would require groundwater remediation and additional investigation and reporting on plume delineation and containment, along with reporting on cleanup progress. The proposed CAO includes an interim cleanup level of 7 micrograms per liter of nitrate (as nitrogen). This interim cleanup level will be evaluated as the project proceeds and may be modified in the future.

Purpose of Hearing

The purpose of the hearing is to consider relevant evidence and testimony regarding the proposed Order. At the hearing, the Water Board will consider whether to adopt the proposed cleanup and abatement order, what additional groundwater investigation and cleanup is needed, and at what level to set an interim cleanup level. The public hearing on September 12-13, 2012 will commence at a time and location as announced in the Water Board meeting agenda. An agenda for the meeting will be available on the Water Board's web page at <http://www.waterboards.ca.gov/lahontan/> no later than August 31, 2012.

Hearing Procedures

The hearings will be conducted in accordance with this hearing procedure or as it may be amended. A copy of the general procedures governing adjudicatory hearings before the Water Board may be found at Title 23 of the California Code of Regulations, Section 648 et seq., and is available at <http://www.waterboards.ca.gov> or upon request. In accordance with Section 648, subdivision (d), any procedure not provided by this Hearing Procedure is deemed waived.

The Water Board's Advisory Team must receive any objections to this hearing procedure **no later than 5:00 p.m. on Wednesday, July 25, 2012** or they will be considered waived.

Hearing Participants and Order of Presentations

The hearing participants are: Water Board Enforcement Unit staff, the County Sanitation District No. 20 of Los Angeles County, the City of Los Angeles, and all interested persons or agencies. The order of presentation will be as follows:

1. Water Board Enforcement Unit staff
2. County Sanitation District No. 20 of Los Angeles County,
3. City of Los Angeles
4. Interested persons or agencies

Water Board Enforcement Unit staff, County Sanitation District staff, City of Los Angeles staff, and interested persons may be asked to respond to clarifying questions from the Water Board and Advisory Team members. These hearing procedures do not provide an opportunity for cross-examination of witnesses.

Primary Contacts

For the Water Board (Advisory Team):

<p>Patty Z. Kouyoumdjian, Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 pzkouyoumdjian@waterboards.ca.gov Phone (530) 542-5412 Fax (530) 544-2271</p> <p>Lauri Kemper, Assistant Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 lkemper@waterboards.ca.gov Phone (530) 542-5436</p>	<p>Kim Niemeyer, Staff Counsel State Water Resources Control Board, Office of Chief Counsel 1001 I Street Sacramento, CA 95814 kniemeyer@waterboards.ca.gov Phone (916) 341-5547</p>
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For Water Board Staff (Prosecution Team):

Chuck Curtis, Supervising WRCE Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 ccurtis@waterboards.ca.gov Phone (530) 542-5412 Fax (530) 544-2271	Cris Carrigan, Chief Counsel State Water Resources Control Board, Office of Enforcement 1001 I Street Sacramento, CA 95814 ccarrigan@waterboards.ca.gov Phone (916) 341-5889 Fax (916) 341-5896
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For the Dischargers:

Los Angeles County Sanitation District Grace Chan, GM, Chief Engineer P.O. Box 4998 Whittier, CA 90607-4998 gchan@lacsds.org Los Angeles County Sanitation District Mike Sullivan P.O. Box 4998 Whittier, CA 90607-4998 msullivan@lacsds.org	City of Los Angeles Gina Marie Lindsay, Chief Executive Officer Los Angeles World Airport Administration E, Building M, 10 th Floor 1 World Way Los Angeles, CA 90045 City of Los Angeles Robert Freeman Los Angeles World Airport Environmental Management Division 1 World Way Los Angeles, CA 90045 rfreeman@lawa.org
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Separation of Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Water Board (Prosecution Team) have been separated from those who will provide advice to the Water Board (Advisory Team). Members of the Advisory Team are: Patty Kouyoumdjian, Executive Officer, Lauri Kemper, Assistant Executive Officer, Alan Miller, Senior Water Resources Control Engineer, and Kim Niemeyer, Staff Counsel. Members of the Prosecution Team are: Chuck Curtis, Supervising Water Resources Control Engineer, Mike Plaziak, Supervising Engineering Geologist, Jay Cass, Senior Water Resources Control Engineer, and Cris Carrigan, Chief Counsel, State Water Board Office of Enforcement. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Members of the Prosecution Team may have acted as advisors to the Water Board in other, unrelated matters, but they are not advising the Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Water Board or the Advisory Team regarding this proceeding.

Ex Parte Communications

Members of the Prosecution Team, the Dischargers, and interested persons are forbidden from engaging in ex parte communications regarding this matter with members of the Advisory Team or members of the Water Board. An ex parte contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the proposed Cleanup and Abatement Orders between a member of the prosecution team, a discharger or interested person on the one hand, and a Water Board member or an Advisory Team member on the other hand, unless the communication is copied to all other parties (if written) or made in a manner open to all other parties (if verbal). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among one or more designated parties (Water Board Enforcement staff or its counsel, LACSD, and the City of Los Angeles) and/or interested persons themselves are not ex parte contacts.

Hearing Time Limits

The following time limits shall apply: the Water Board Enforcement staff and each of the named dischargers shall have thirty minutes to present evidence and testimony. Each interested person shall have five (5) minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team **no later than 5:00 p.m. on Friday, August 17, 2012**. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Water Board Chair (at the hearing) upon a showing that additional time is necessary to present their case.

In accordance with Title 23, California Code of Regulations, section 648.4, the Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Water Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the Water Board and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other timely submitted written material. A written and electronic copy of such visual material that the Prosecution Team, Dischargers, or Interested Persons intend to use to present their case at the hearing must be submitted to the Advisory Team at or before the hearing for inclusion in the administrative record.

Evidentiary Documents and File

The proposed Cleanup and Abatement Order and related evidentiary documents are on file and may be inspected or copied at the Water Board office at 2501 Lake Tahoe Boulevard, South Lake Tahoe. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record, absent a contrary ruling by the Water Board Chair or its Advisory Team.

Questions

Questions concerning these proceedings may be addressed to Patty Z. Kouyoumdjian, Executive Officer, at (530) 542-5412 or Kim Niemeyer, Staff Counsel, at (916) 341-5549 or at the addresses shown above.



Patty Z. Kouyoumdjian
Executive Officer

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DATE: July 19, 2012